

HOUSE BILL 1997

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 1; Title 49, Chapter 2 and Title 49,  
Chapter 5, relative to background checks.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 5, Part 1, is amended by adding the following language as a new section:

(a) The state board of education shall require all applicants for educator licensure to:

(1) Supply a fingerprint sample and submit to a criminal history records check to be conducted by the Tennessee bureau of investigation (TBI) and the federal bureau of investigation (FBI) as a prerequisite to receiving an educator license; and

(2) Agree that the Tennessee bureau of investigation may send the results of the criminal history records check to the department of education.

(b) Any reasonable costs incurred by the TBI or FBI, or both, in conducting an investigation of an applicant shall be paid by the applicant. The applicant shall be provided a copy of all criminal history records check documentation provided to the department of education.

SECTION 2. Tennessee Code Annotated, Section 49-5-413(a), is amended by deleting the language:

In addition to the requirements of § 49-5-406, a local board of education or any child care program, as defined in § 49-1-1102, shall require any person applying for a

position as a teacher and any person applying for any other position requiring proximity to school children or to children in a child care program to:

and substituting instead the language:

Except as provided by subsection (f), a local board of education or any child care program, as defined in § 49-1-1102, shall, every five (5) years, require any person serving in a position as a teacher and any person serving in any other position requiring proximity to school children or to children in a child care program to:

SECTION 3. Tennessee Code Annotated, Section 49-5-413, is amended by deleting subsections (b) and (c) and substituting instead the following language:

(b) Any person applying for a position as a teacher, any retired teacher applying for a position as a teacher in accordance with title 8, chapter 36, part 8, and any person applying for any other position requiring proximity to school children or to children in a child care program shall be required to supply a fingerprint sample and submit to a criminal history records check upon application if the person has not supplied a fingerprint sample and submitted to a criminal history records check within five (5) years of the application pursuant to subsection (a) or part 1 of this chapter.

(c) Any reasonable costs incurred by the Tennessee bureau of investigation in conducting the investigation of an applicant pursuant to this section shall be paid by the LEA. The applicant shall be provided a copy of all criminal history records check documentation provided to the local board of education or child care program to which the applicant first applies.

SECTION 4. Tennessee Code Annotated, Section 49-5-413, is amended by adding the following language as new subsections:

(f) In lieu of the requirements of subsection (a), an LEA may enroll in the federal bureau of investigation rap back program to receive continuing status updates on employees. Any LEA enrolling in this program shall submit names of employees to the state board of education.

(g) Each LEA shall adopt a policy governing background check procedures for contract workers and volunteers.

SECTION 5. This act shall take effect July 1, 2018, the public welfare requiring it.